

Docket No.: 50179-101



9200/16/3AC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
: Ian L. BROWN, et al. : Confirmation Number: [conf_no]
: Serial No.: 10/072,942 : Group Art Unit: 1614
: Filed: February 12, 2002 : Examiner: [case_examiner]
: For: ALTERATION OF MICROBIAL POPULATIONS IN THE GASTROINTESTINAL
TRACT

**PETITION AND REQUEST FOR RECONSIDERATION OF HOLDING OF
ABANDONMENT UNDER 37 CFR 1.181(a)**

OIPE Customer Service
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

SEP 20 2004

TECH CENTER 2800

Sir:

We are in receipt of the Notice of Abandonment under 37 CFR 1.53 dated January 16, 2004. Please note this Notice was not received in our office until September 7, 2004, as is indicated by our Mail Room date stamp. Since this Notice of Abandonment was not received in our office until September 7, 2004, it is believed this Petition and Request of Holding of Abandonment Under 37 CFR 1.181(a) is being filed timely. Applicants filed a Status Inquiry August 13, 2004, indicating no Notice of Abandonment had been received.

The Notice of Abandonment indicates that the above-identified application is abandoned in view of Applicants' failure to timely or properly reply to the Notice to File Corrected Application Papers mailed February 6, 2002.

A Response to the Notice to File Corrected Application Papers was properly and timely filed on June 28, 2002 as is evidenced by the attached stamped and dated postcard acknowledgement.

Submitted herewith are true copies of the Response to Notice to File Corrected Application Papers and the substitute specification, which were properly and timely filed on June 28, 2002. The undersigned hereby certifies that the attached copies of the listed documents are true and accurate copies of the original documents, and that the original documents were timely filed on June 28, 2002, as evidenced by the copy of the stamped, dated, return receipt postcard.

It is requested that this Petition be treated as a Request to Withdraw any Holding of Abandonment and any Petition Fees be refunded.

It is respectfully requested that the holding of abandonment be withdrawn and the application returned to pending status and processed for examination.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time and petition fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

If anything further is needed, please contact the undersigned immediately.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



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